

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

PHYO HEIN HTUT,

Defendant.

STIPULATION IN SUPPORT
OF APPLICATION FOR
7TH OR SUBSEQUENT
ORDER OF CONTINUANCE AND
7TH ORDER OF CONTINUANCE

21 Mag. 7760
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The United States of America and the defendant jointly request and agree that the time period from **2/16/2022** to **3/16/2022** be excluded from the computation of the period within which an information or indictment must be filed, pursuant to Title 18, United States Code, Section 3161(b) and (h)(7).

As background, PHYO HEIN HTUT, the defendant, was charged with a violation of 18 U.S.C. § 371 in a complaint dated August 6, 2021. The defendant was presented before Magistrate Judge Andrew E. Krause on August 6, 2021, and the defendant was detained.

The parties submit that there is good cause for an additional exclusion of time because the parties have had multiple and continuing discussions regarding a potential resolution of the current case without the need for trial. Those discussions have continued through the present date. Although the parties' discussions are ongoing, they have been complicated in part due to the defendant's recent substitution of counsel and counsel's ability to schedule visits with the facility due to ongoing pandemic restrictions. The parties expect that once such discussions are completed, the parties will either be able to resolve the matter through a plea agreement, or proceed with the matter through an indictment returned by the grand jury.

By the following signatures we agree and consent to the exclusion of time noted above:

James Neuman
Defendant's Counsel
James Neuman, Esq.

2/9/2022
Date

Nicholas S. Bradley
Assistant U.S. Attorney
Nicholas S. Bradley

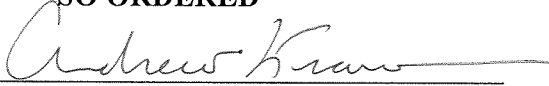
2/9/2022
Date

The defendant states that he has been fully advised by counsel of his rights guaranteed under (a) of the Sixth Amendment to the Constitution; (b) the Speedy Trial Act of 1974, as set forth in Title 18, United States Code, Sections 3161-74; and (c) the plans and rules of this Court adopted pursuant to that Act. The defendant understands that he has a right to be charged by indictment or information, and to have a trial before a judge or jury, within a specified time (excluding certain time periods) under the Constitution and Rules and Laws of the United States identified above. The defendant consents and agrees to the above request.

<u>Phyo Hein Htut (by counsel)</u>	<u>2/9/2022</u>
Defendant	Date
PHYO HEIN HTUT	

The joint application of the United States of America and the defendant having been heard at a proceeding on the date below, the time period from **2/16/2022** to **3/16/2022** is hereby excluded in computing the time within which an indictment or information must be filed. The Court grants this continuance on the finding that the ends of justice outweigh the interests of the public and the defendant in a speedy trial, for the reasons set forth above.

Dated: 2/16/22
White Plains, New York

SO ORDERED

Hon. Andrew E. Krause
United States Magistrate Judge